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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

WEST HILLS DEVELOPMENT COMPANY dba
ARBOR CUSTOM HOMES, an Oregon corporation;
ARBOR ROSES, LLC, an Oregon limited liability
company,

Plaintiffs,

v.

MARYLAND CASUALTY COMPANY, a
Maryland company; NORTHERN INSURANCE
COMPANY OF NEW YORK, a New York
company; LEXINGTON INSURANCE COMPANY,
a Massachusetts company; FIRST MERCURY
INSURANCE COMPANY, an Illinois company;
CLARENDON NATIONAL INSURANCE
COMPANY, a New York company; AMERICAN
HALLMARK INSURANCE COMPANY, a Texas
company; NATIONAL FIRE & MARINE
INSURANCE COMPANY, a Nebraska company;
AMERICAN FAMILY INSURANCE COMPANY,
a Wisconsin company; CONTINENTAL WESTERN
INSURANCE COMPANY, an Iowa company;
OREGON AUTOMOBILE INSURANCE
COMPANY, a Massachusetts company; TRUCK
INSURANCE EXCHANGE, a California company;
WEST AMERICAN INSURANCE COMPANY, a
Massachusetts company; CANAL INSURANCE
COMPANY; a South Carolina company,

Defendants.

NO.

NOTICE OF REMOVAL UNDER
28 USC § 1441(b) (DIVERSITY)

(Clerk's Action Required)

TO: ALL PARTIES HEREIN AND TO THEIR RESPECTIVE
COUNSEL OF RECORD

AND TO: THE CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE that defendant Lexington Insurance Company (“Defendant” or “Lexington”) hereby removes to this Court the state court action described below.

1. On May 9, 2017, an action was commenced in the Circuit Court, County of Washington, entitled *West Hills Development Company dba Arbor Custom Homes and Arbor Roses, LLC, v. Maryland Casualty Company, Northern Insurance Company of New York, Lexington Insurance Company, First Mercury Insurance Company, Clarendon National Insurance Company, American Hallmark Insurance Company, National Fire & Marine Insurance Company, American Family Insurance Company, Continental Western Insurance Company, Oregon Automobile Insurance Company, Truck Insurance Exchange, West American Insurance Company; and Canal Insurance Company*, as Case No. 17CV19166. On June 13, 2017, Lexington was served with the Complaint and summons from the said state court. A true and correct copy of the Summons, Complaint and Exhibits attached thereto, and all other documents filed with the state court to this date, are attached as Exhibit A to the Declaration of Donald. J. Verfurth in Support of Notice of Removal, filed herewith.

2. Based on information and belief, complete diversity of citizenship exists. Plaintiff West Hills Development Company is an Oregon corporation, with its principal place of business in Oregon, and Plaintiff Arbor Roses, LLC, is an Oregon limited liability company. Defendant Maryland Casualty Company is a Maryland corporation, with its principal place of business in Illinois. Defendant Northern Insurance Company of New York is a New York

corporation, with its principal place of business in New York. Defendant Lexington Insurance Company is a Delaware corporation, with its principal place of business in Massachusetts. Defendant First Mercury Insurance Company is a Delaware corporation, with its principal place of business in Michigan. Defendant Clarendon National Insurance Company is a New York corporation, with its principal place of business in Illinois. Defendant American Hallmark Insurance Company is a Texas corporation, with its principal place of business in Texas. Defendant National Fire & Marine Insurance Company is a Nebraska corporation, with its principal place of business in Nebraska. Defendant American Family Insurance Company is an Ohio corporation, with its principal place of business in Wisconsin. Defendant Continental Western Insurance Company is an Iowa corporation, with its principal place of business in Iowa. Defendant Truck Insurance Exchange is a California corporation, with its principal place of business in California. Defendant West American Insurance Company is an Indiana corporation, with its principal place of business in Massachusetts. Defendant Canal Insurance Company is a South Carolina corporation, with its principal place of business in South Carolina. As to Defendant Oregon Automobile Insurance Company, its state of incorporation is unknown, but it is not incorporated in the state of Oregon; further, its principal place of business is in Massachusetts.

3. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Lexington pursuant to the provisions of 28 U.S.C. § 1441(a) in that it is a civil action between citizens of different states and the matter and controversy exceeds the sum of \$75,000, exclusive of interest and costs. Under 28 U.S.C. § 1441 (a), the case should be removed “to the district court of the United States for the

district and division embracing the place where such action is pending.” Here, removal is made to this Court because the underlying case was filed in Washington County Oregon Circuit Court and the Portland Division is the appropriate Division of the District of Oregon for matters from Washington County.

4. The exhibit attached as Exhibit A to the Declaration of Donald J. Verfurth in Support of Notice of Removal constitutes all of the process and pleadings in the Washington County Circuit Court action to date.

5. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Washington County Circuit Court, Oregon, and notice is being given to the adverse party.

DATED this 13th day of July, 2017.

GORDON & REES, LLP.

By/s/ Donald J. Verfurth

Donald J. Verfurth, OSB No. 066480
Attorneys for Defendant Lexington Insurance
Company

DECLARATION OF SERVICE

I hereby declare, under penalty of perjury under the laws of Washington and Oregon, that on July 13, 2017, I filed the foregoing using the Court's ECF filing system and also served a copy of the foregoing via Federal Express, overnight delivery, on the following parties:

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